

## Message Text

UNCLASSIFIED

PAGE 01 CARACA 06740 01 OF 02 182337Z

72

ACTION DLOS-07

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01

IO-14 OIC-04 COA-02 EB-11 FEA-02 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 SWF-02 AGR-20

ACDA-19 AEC-11 CG-00 CEA-02 FMC-04 EPA-04 SCI-06

CEQ-02 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 CIEP-02 DRC-01

/278 W

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R 181454Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4823

INFO AMEMBASSY CAIRO

AMEMBASSY DAR ES SALAAM

AMEMBASSY HELSINKI

AMEMBASSY LAGOS

AMEMBASSY LONDON

AMEMBASSY MONROBIA

AMEMBASSY MOSCOW

USUN NEW YORK 681

AMEMBASSY OTTAWA

AMEMBASSY PORT OF SPAIN

UNCLAS SECTION 1 OF 2 CARACAS 6740

FROM USDEL LOS

EO 11652: N/A

TAGS: PLOS

SUBJECT: LOS - DAILY REPORT, COMMITTEE III.

SUMMARY: COMMITTEE III CONTINUED TO MEET TO HEAR GENERAL STATEMENTS. CANADA REPEATED HER PREVIOUS CONCEPTS OF A COMBINED FLAG  
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PAGE 02 CARACA 06740 01 OF 02 182337Z

STATE/PORT STATE/COASTAL STATE APPROACH TO STANDARD SETTING AND

ENFORCEMENT. THEY POINTED OUT APPARENT INCONSISTENCY OF U.S. PORT AND WATERWAY SAFETY ACT AND POSITION OF EXCLUSIVELY INTERNATIONAL STANDARDS. USSR SUPPORTED EXCLUSIVELY INTERNATIONAL STANDARDS EVEN IN TERRITORIAL SEA AND STRONGLY SUPPORTED STANDARDS IN 1973 MARINE POLLUTION CONVENTION.

1. COMMITTEE III MET TO CONTINUE HEARING GENERAL STATEMENTS ON MARINE POLLUTION. CHAIRMAN'S DESIRE TO HEAR PRIMARILY FROM STATES WHO HAD NOT PREVIOUSLY STATED THEIR POSITION OR WHO HAD A NEW POSITION TO STATE WAS LARGELY DISREGARDED.

2. LIBERIA ACKNOWLEDGED THE HIGH COST OF POLLUTION PREVENTION TO LDC'S BUT SAID THE COST MUST BE MET. STRONGLY SUPPORTED EXCLUSIVELY INTERNATIONAL STANDARDS. AGREED THAT ECOLOGICALLY SENSITIVE AREAS MAY NEED HIGHER STANDARDS BUT THESE STANDARDS MUST BE SET INTERNATIONALLY

EMPHASIZED THAT A STATE SHOULD NOT BE ABLE TO SET HIGHER STANDARDS FOR ITS TERRITORIAL SEA OR PORT AREA USED BY INTERNATIONAL TRADE BUT MIGHT SET HIGHER STANDARDS IN ITS OTHER INTERNAL WATERS. AS FOR ENFORCEMENT, THE STANDARDS SHOULD BE ENFORCED PRIMARILY BY FLAG STATES WITH PORT STATE ENFORCEMENT ONLY WITH THE AGREEMENT OF THE FLAG STATE

STRONGLY SUPPORTED PAST WORK OF IMCO AND THE FUTURE ROLE OF IMCO AND ITS MEP COMMITTEE.

3. EGYPT ADDRESSED PROBLEMS OF MARINE POLLUTION FROM LAND SOURCES, VESSEL SOURCES AND EXPLOITATION SOURCES ON THE CONTINENTAL SHELF AND SEABED. REVIEWED THE INADEQUACY OF KNOWLEDGE REGARDING MARINE ECOSYSTEMS. PROPOSED THAT LAND-BASED SOURCES OF MARINE POLLUTION SHOULD BE HANDLED IN LOS CONVENTION SIMILAR TO THE ANNEXES IN 1972 DUMPING CONVENTION. AS REGARDS TO VESSEL-SOURCE POLLUTION, BELIEVE THE '73 MARINE POLLUTION CONVENTION IS ADEQUATE EXCEPT IN AREAS OF LIABILITY WHERE MORE WORK IS NEEDED. AS REGARDS EXPLOITATION SOURCES OF POLLUTION ON THE CONTINENTAL MARGIN, MUST BE UNDER THE CONTROL OF THE COASTAL STATE. BEYOND NATIONAL JURISDICTION AND INTERNATIONAL BODY MUST BE RESPONSIBLE. SUPPORTED HIGHER STANDARDS IN SENSITIVE AREAS SUCH AS STRAITS TO BE ENFORCED BY COASTAL STATE. MENTIONED AS POSSIBLE SPECIAL AREAS THE MEDITERRANEAN AND RED SEAS.

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PAGE 03 CARACA 06740 01 OF 02 182337Z

SUPPORTED COOPERATION BETWEEN STATES OF REGION IN MONITORING AND EXCHANGE OF INFORMATION AND COMBATING POLLUTION ACCIDENTS.

4. CANADA STATED THAT PROTECTION OF MARINE ENVIRONMENT WAS CANADA'S SINGLE MOST IMPORTANT OBJECTIVE IN THIS CONFERENCE. REFERRED TO MAURICE STRONG'S SPEECH OF LAST WEEK (SEPTEL) AND THE STOCKHOLM DECLARATION. SAID MUST DEVISE CONCEPTS TO PROTECT THE ENVIRONMENT WITHIN THE CONCEPTS OF THE PATRIMONIAL SEA, ECONOMIC ZONE AND COMMON

HERITAGE OF MANKING AND MUST BASE OUR COMPREHENSIVE APPROACH UPON CONSENSUS OF STOCKHOLM. THIS COMPREHENSIVE APPROACH MUST CONTAIN BOTH NATIONAL AND INTERNATIONAL ASPECTS. URGED UMBRELLA TREATY TO SUPPORT THIS APPROACH. REFERRED TO CANADA'S WORKING PAPERS L26 AND L28 SUBMITTED TO THE SEABED COMMITTEE. REFERRED TO ARTICLES SUBMITTED BY OTHERS IN SEABED COMMITTEE HAVING MUCH IN COMMON, INCLUDING A GENERAL OBLIGATION TO PROTECT THE ENCIRONMNET. COMMENTED THAT WG2 OF SUB-COMMITTEE III OF THE SEABED COMMITTEE WAS ABLE TO PRODUCE MANY AGREED TEXT AND SOME ALTERNATE TEXT, BUT WORK BROKE DOWN IN DEVELOPMENT TEXTS UNDER THE HEADING OF STANDARDS. FEELS THIS WAS TOO BROAD A HEADING AND TOO MANY VARYING TYPES OF ARTICLES WERE TO BE PLACED UNDER IT. REFERRED TO CANADA'S PROPOSAL AT SECOND SESSION OF COMMITTEE III THAT THE HEADINGS BE SUPPLEMENTED BY ADDING HEADING ON COASTAL STATE MEASURES. PROCEDDED TO REVIEW ITS COASTAL STATE CASE FOR STANDARD SETTING. CITED TRAIL SMELTER CASE AND QUOTED A "FORMER LEGAL ADVISOR" OF THE STATE DEPARTMENT AS SAYING THAT THE U.S. SHOULD BE PROTECTED AGAINST ENVIRONMENTAL DAMAGE ARISING FROM THE OPERATION OF A SMELTER IN CANADA ON THE GROUNDS THAT SUCH PROTECTION WAS "ESSENTIALLY A SOVEREIGN RIGHT." ALSO CONTENTED U.S. PORT AND WATERWAY SAFETY ACT WAS INCONSISTENT WITH U.S. POSITION OF EXCLUSIVELY INTERNATIONAL STANDARDS. SAID THAT THE RECENT MARINE POLLUTION ARTICLES SUBMITTED BY U.K. TAKE POSITION THAT A SHIP MAY NOT BE REFUSED ENTRY INTO A PORT ON ENVIRONMENTAL OR OTHER GROUNDS AND THAT THIS WOULD SEVERELY LIMIT THE RIGHT OF COASTAL STATES

POINTED OUT THAT U.S. WOULD MAKE THE '73 MARINE POLLUTION STANDARDS APPLY TO ALL VESSELS WHILE MANY NATIONS ARE NOT MEMBERS OF IMCO OR PARTY TO TREATY. THIS WOULD SEEM TO MAKE IMCO A SUPER AGENCY UNDER THE U.S. VIEW WHICH DOES NOT SEEM CONSISTENT WITH INTERNATIONAL LAW. SAID BOTH THE DUMPING CONVENTION AND THE MARINE POLLUTION CONVENTION PROVIDE FOR SHARED ENFORCEMENT BY FLAY STATES AND BY COASTAL STATES WITHING THEIR JURISDICTION AND URGED THIS APPROACH. POINTED OUT THAT PORT STATE ENFORCEMENT WAS FIRST SUGGESTED BY CANADA IN 1971 AND IT UNCLASSIFIED

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PAGE 04 CARACA 06740 01 OF 02 182337Z

SHOULD ALSO BE ADOPTED IN THIS TREATY. THE ZONAL APPROACH IS SET FORTH IN CANADIAN WORKING PAPER L56. THIS PAPER MAKES A DISTINCTION IN COASTAL STATE STANDARDS FOR DISCHARGE DUMPING AND TRAFFIC SEPARATION AND THOSE FOR CONSTRUCTION, MANNING AND EQUIPMENT. MAINTAINED COASTAL STATE APPROACH IS THE BEST OPPORTUNITY TO PROTECT MARINE ENVIRONMENT IN THE CONTEXT OF PATRIMONIAL SEA/ECONOMIC ZONE AND COMMON HERITAGE OF MANKIND. SAID OVERWHELMING SUPPORT FOR THIS CONCEPT IN THE PLENARY COMMITTEE AND URGED THIS APPROACH, COMBINED WITH APPROPRIATE SAFEGUARDS AGAINST UNREASONABLE ACTION. PROCEDURES FOR COMPENSATION AND DISPUTE SETTLEMENT WAS BEST.

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PAGE 01 CARACA 06740 02 OF 02 190114Z

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ACTION DLOS-07

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01

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NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 CIEP-02 DRC-01

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R 181454Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4824

INFO AMEMBASSY CAIRO

AMEMBASSY DAR ES SALAAM

AMEMBASSY HELSINKI

AMEMBASSY LAGOS

AMEMBASSY LONDON

AMEMBASSY MONROVIA

AMEMBASSY MOSCOW

USUN NEW YORK 682

AMEMBASSY OTTAWA

AMEMBASSY PORT OF SPAIN

UNCLAS SECTION 2 OF 2 CARACAS 6740

FROM USDEL LOS

5. FINLAND POINTED OUT THAT NEED FOR REGIONAL MEASURES IN THE BALTIC AREA LEAD TO THE HELSINKI CONVENTION OF THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA. REPORTED IN SOME DETAIL SUBSTANCE OF ARTICLES AND ANNEXES TO THE CONVENTION. POINTED OUT THAT HELSINKI CONVENTION PROVIDES FOR DISPUTE SETTLEMENT.

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PAGE 02 CARACA 06740 02 OF 02 190114Z

6. USSR STATED THAT PROTECTION OF MARINE ENVIRONMENT AND MAINTENANCE OF FREEDOM OF NAVIGATION CAN BOTH BE ATTAINED. WILLING TO GIVE COASTAL

STATE ECONOMIC JURISDICTION IN 200-MILE ECONOMIC ZONE, SUBJECT TO AGREEMENT ON STRAITS AND OTHER CRITICAL ISSUES. THE LIVING RESOURCES OF THE ECONOMIC ZONE COULD BE DAMAGED BY DUMPING OF HARMFUL SUBSTANCES.

STATED THAT THE COASTAL STATE SHOULD BE GIVEN THE RIGHT TO CONTROL DUMPING BY OTHERS IN ITS ECONOMIC ZONE. DISTINGUISHED DUMPING FROM VESSEL SOURCE POLLUTION, CALLING FORMER AN LAND-BASED SOURCE OF POLLU-

TION. COASTAL STATES SHOULD BE GOVERNED BY PRINCIPLES OF 1972 DUMPING CONVENTION IN ISSUING DUMPING PERMITS IN ITS ECONOMIC ZONE. THE COASTAL

STATE COULD ALSO TAKE INTERVENTION ACTION IN ACCORDANCE WITH '69 CONVEN-

TION AND THE '73 PROTOCOL ON THE SUBJECT OF INTERVENTION. STATED THAT SUCH RIGHTS SHOULD BE EXTENDED TO EXPLORATION AND EXPLOITATION ACTIVITIES. AS REGARDS STANDARDS FOR VESSELS, THE COASTAL STATE SHOULD NOT HAVE COMPETENCE TO SET STANDARDS EVEN IN ITS TERRITORIAL SEA. STRONGLY SUPPORTED 1973 INCO CONVENTION SAYING NORMS OF THAT CONVENTION

SUFFICIENT TO PROTECT ENVIRONMENT AND NO SUPPLEMENTARY NORMS NEEDED. STATED THAT COASTAL STATE MAY TAKE ENFORCEMENT ACTION IN TERRITORIAL SEA

TO ASSURE INTERNATIONAL NORMS ARE FOLLOWED. IN EVENT OF VIOLATION COASTAL STATE SHOULD BE ABLE TO IMPOSE ONLY FINES AND NOT IMPRISONMENT.

7. TANZANIA STATED KEY ISSUES INCLUDED GLOBAL NATURE OF MARINE POLLUTION AND NEED FOR BOTH NATIONAL AND INTERNATIONAL ACTION. TASK IS TO HARMONIZE NATIONAL AND INTERNATIONAL REGULATIONS. SAYS LATTER ARE MADE VERY SLOWLY AND FOR THIS REASON NOT ALWAYS ESPECIALLY CLOSE TO THE COAST. FLAG STATE REGULATIONS ARE ALSO NECESSARY BUT WILL NOT FULLY PROTECT THE COASTAL STATES. SAYS IT IS INSULT TO COASTAL STATES TO SUGGEST THAT COASTAL STATE REGULATIONS WILL UNREASONABLY INTERFERE WITH SHIPPING. REGIONAL REGULATIONS WILL ALSO BE NECESSARY IN SPECIAL AREAS. IN THE AREA OF ENFORCEMENT THERE MUST BE BOTH FLAG STATE AND COASTAL STATE ENFORCEMENT. SAID FLAG STATE ENFORCEMENT HAS NOT WORKED AND CITED AS EXAMPLE CONDITIONS OF BEACHES IN EAST AFRICA.  
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PAGE 03 CARACA 06740 02 OF 02 190114Z

LIABILITY NOT ANSWER BECAUSE DIFFICULT TO IDENTIFY CULPRIT AND COURT PROCEEDINGS SLOW AND INEFFECTIVE. SAYS ANSWER IS FOR THE COASTAL STATE TO HAVE AUTHORITY TO ENFORCE AS SHOULD THE INTERNATIONAL AUTHORITY WHEN IT IS ESTABLISHED.

8. NIGERIA INCLUDED WASTES FROM NUCLEAR-POWERED SHIPS AS ONE OF SEVERAL

SOURCES OF MARINE POLLUTION. WANTS TO SEE ARTICLES BOTH ON PREVENTION OF POLLUTION AND ON COMPENSATION FOR DAMAGE. SPOKE OF GOOD WORK DONE BY IMCO ON THESE MATTERS AND THE RESULTING CONVENTIONS. THESE CONVENTIONS PLUS STOCKHOLM CONVENTION WILL PROVIDE GUIDELINES FOR OUR WORK. STATED THAT WHAT WE DO SHOULD NOT UNDULY PREJUDICE THE IMCO CONVENTIONS.

9. TRINIDAD AND TABAGO REFERRED TO MAURICE STRONG SPEECH OF LAST WEEK IN PLENARY (SEPTEMBER) AND FEELS IT IS GOOD BASIS FOR WORK IN COMMITTEE III.

DESCRIBED TRINIDAD AND TABAGO AS AN IMPORTER OF CRUDE OIL AND AN EXPORTER OF OIL PRODUCTS WITH CONSIDERABLE OIL SHIPPING ACTIVITIES OFF ITS COASTS. MOST MARINE POLLUTION NEAR TRINIDAD AND TABAGO COME FROM VESSEL SOURCES AND OFFSHORE

EXPLOITATION. REVIEWED TRINIDAD AND TABAGO POSITION ON LIABILITY FOR DAMAGE FROM BOTH VESSEL-SOURCE POLLUTION AND ON-BOARD ACTIVITIES. CONTRASTED AUSTRALIA'S WP L27 AND CANADA'S WP L28 AS WELL AS STRONG SPEECH ON MAKING THE COASTAL STATE LIABLE FOR MARINE POLLUTION WITH TRINIDAD AND TABAGO'S PREFERENCE THAT THE OPERATING AGENT BE RESPONSIBLE. SUPPORTED CONCEPT OF

DUAL STANDARDS FOR DEVELOPED AND DEVELOPING COUNTRIES, CALLING FOR LOW STANDARDS FOR LAND-BASED ACTIVITIES PRODUCING ESPECIALLY DANGEROUS FOR TOXIC POLLUTION, AND FOR OIL PRODUCTION AND TANKERS.

10. U.K. OBJECTED TO CANADA'S REFERENCE TO U.K. DRAFT ARTICLES ON TERRITORIAL SEA AND STRAITS AND FELT THAT THIS WAS A COMMITTEE II MATTER

AND WOULD BE DISCUSSED THERE. SAID EFFORT SHOULD BE TO WRITE AN UMBRELLA CONVENTION WHICH WILL NOT INTERFERE WITH EXISTING IMCO CONVEN-

TIONS OR WITH EXISTING REGIONAL CONVENTIONS. SUPPORTED NEED TO PREVENT

MARINE POLLUTION BUT PRESERVE FREEDOM OF NAVIGATION, TRANSIT THROUGH STRAITS AND OVERFLIGHT. DESCRIBED FOUR TYPES OF POLLUTION: DUMPING, UNCLASSIFIED

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PAGE 04 CARACA 06740 02 OF 02 190114Z

LAND-BASED, SEABED AND VESSEL-SOURCE. WOULD LIKE STRONG DISPUTE SETTLE-

MENT ARTICLE. SUGGESTED NEED TO TALK ABOUT INTERNATIONAL STANDARDS AND NATIONAL STANDARDS FOR EACH OF FOUR TYPES OF POLLUTION. SAME COURSE

FOR ENFORCEMENT. SHOULD BE ABLE TO QUICKLY WRITE AGREED TEXT ON SEABED

POLLUTION DUE TO WIDE CONSENSUS ON THIS ISSUE. DUE TO SHORTNESS OF THE

TIME LEFT, SHOULD WORK ON OTHER ISSUES WHERE THERE IS WIDE AGREEMENT AND

NOT SPEND TIME IN AREAS OF CONTENTION. SUPPORTED '73 MARINE POLLUTION

CONVENTION STANDARDS INCLUDING "SPECIAL AREAS" CONCEPT. BELEIVES ANY  
EXPANSION IN NUMBERS OF THESE AREAS SHOULD BE DONE INTERNATIONALLY.  
SAID  
NATIONAL DISCHARGE REGULATIONS WOULD IN PRACTICE HAVE SAME EFFECT AS  
NATIONAL CONSTRUCTION REGUALATIONS, SINCE WOULD REQUIRE MODIFICATIONS  
IN DESIGN.  
STEVENSON

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## Message Attributes

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**Draft Date:** 18 JUL 1974  
**Decaption Date:** 01 JAN 1960  
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**TAGS:** PLOS, PFOR, PBOR, CARACAS  
**To:** STATE  
**Type:** TE  
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